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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DANNER, INC., a corporation

Case No. 3:09-CV-1220-HU

Plaintiff,

v.

**MOTION FOR EXTENSION OF
TIME**

FOLEY & LARDNER, LLP, a partnership,

EXPEDITED REVIEW REQUESTED

Defendant.

Pursuant to LR 7.1, Foley & Lardner, LLP (“defendant”) conferred with Danner, Inc.’s (“plaintiff”) counsel, who indicated that plaintiff opposes any extension to respond to the Complaint, both in this case, and in the related case, *Danner, Inc. v. Foley & Lardner, LLP*, U.S. District Court Case No. CV-09-1086-JE.

Defendant hereby moves the Court for an Order extending defendant’s time in which to respond to the plaintiff’s complaint, until 20 days after this Court rules on plaintiff’s anticipated motion to remand.

On October 15, 2009, defendant removed this action from Multnomah County Circuit Court. Pursuant to Fed. R. Civ. Proc. 6 & 81, the current deadline for defendant to respond to plaintiff’s complaint is October 22, 2009. Defendant understands from plaintiff’s counsel that

plaintiff intends to file a motion to remand this matter to Multnomah County Circuit Court. Accordingly, defendant seeks an extension of the answer deadline pending resolution of plaintiff's motion to remand. Defendant also seeks the extension because if the Court denies a motion to remand, the parties (and the Court) will need to resolve how the case should be managed in light of the parallel lawsuit also pending in U.S. District Court. *See* U.S. District Court Case No. CV-09-1086, *Danner, Inc. v. Foley & Lardner LLP*. If both lawsuits remain in U.S. District Court, defendant anticipates that the cases will either be consolidated, or that one case will be dismissed. Therefore, in the interest of efficiency, and to give defendant additional time to evaluate plaintiff's complaint, defendant requests 20 days from the date the remand issue is resolved in which to file an answer to plaintiff's complaint.

This motion is supported by the Declaration of Elizabeth C. Knight, and the records on file with the Court.

Dated this 19th day of October, 2009.

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP

/s/ Elizabeth C. Knight

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